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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

SAFECO INSURANCE COMPANY OF
INDIANA a/s/o PATRICK and SUSAN
GILLESPIE,

Plaintiff,

v.

FTL, INC. d/b/a SOLEUS NA, TCL
DELONGHI HOME APPLIANCES
(ZHONGSHAN) CO., LTD, DELONGHI
AMERICA, INC., TCL HOME
APPLIANCES (NORTH AMERICA)
COMPANY LIMITED, SOLEUS
INTERNATIONAL, INC., SOLEUS N.A.,
MJC AMERICA, INC., MJC AMERICA,
LTD. d/b/a SOLEUS INTERNATIONAL,
MJC AMERICA HOLDINGS CO., INC., and
MENARDS, INC.,

Defendants.

CAUSE NO. 1:20-cv-00297-JRS-TAB

DEFENDANT, MENARD, INC.'S RESPONSE TO ORDER TO SHOW CAUSE

Defendant, Menard, Inc. (improperly named as Menards, Inc.)("Menards"), by counsel, files its Response to the Court's February 2, 2020 Order to Show Cause (Dkt. 8), states as follows:

1. This matter involves an alleged fire at the property of Patrick and Susan Gillespie on December 18, 2013.
2. Plaintiff claims that the fire was caused by a Soleus Air dehumidifier, Model No. HMT0D45E-A.
3. On December 19, 2019, Plaintiff filed suit in Hendricks County against multiple defendants, including FTL, Inc. d/b/a Soleus NA, TCL Delonghi Home Appliances (Zhongshan) Co., Ltd., Delonghi America, Inc., TCL Home

Appliances (North America) Company Limited, Soleus International, Inc., Soleus N.A., MJC America, Inc., MJC America, Ltd. d/b/a Soleus International, MJC America Holdings Co., Inc., and Menards, Inc, claims that defendants designed, manufactured, distributed, assembled and/or sold the Soleus Air dehumidifier.

4. On December 30, 2019, Menards was served with Plaintiff's Complaint through CSC.
5. On January 27, 2020, a mere few days before the deadline to remove expired, Menards filed pleadings to remove this matter under subject-matter jurisdiction based on the information available to it through this lawsuit.
6. On February 3, 2020, the Court issued on Order (Dkt. 8) requiring Menards to "file an amended Notice of Removal or otherwise show cause why this action should not be remanded for lack of subject-matter jurisdiction...Defendant must clearly identify the state(s) of each party's citizenship and principal place of business..."
7. However, due to the infancy of the matter and limited information available, Menards is unable to do so at this time.
8. As such, Menard's will not tender a response to Plaintiff's Objection to Notice of Removal and subsequently, does not object to its request for the Court to refuse to accept diversity jurisdiction.

WHEREFORE, Defendant, Menards, by counsel, respectfully requests the Court accept the foregoing as its response to the Court's February 3, 2020 Order and for all other relief just and proper in the premises.

Respectfully submitted,

KOPKA PINKUS DOLIN PC

By: /s/ Jessica N. Hamilton

Jessica N. Hamilton, Atty No. 34268-71

Leslie B. Pollie, Atty No. 25716-49

Attorneys for Defendant, Menard, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2020, the foregoing has been filed through the Court's ECF system and notice has been electronically served on all counsel of record. Parties may access this filing through the Court's system.

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/s/ Jessica N. Hamilton

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